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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 FREDERICK WEATHERBEE,
7 et al.,

8 Plaintiffs,

9 v.

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11 BRISTOL-MYERS SQUIBB COMPANY,
12

13 Defendant.
14

Cause Number C03-647R

REVISED ORDER SETTING TRIAL
& PRETRIAL SCHEDULES

15 HAVING considered counsels' need to conduct case specific expert discovery, the Court
16 hereby revises the trial and pretrial schedules as follows:

17 DATES

- 18 • The parties' ADR obligations pursuant to Case Management Order
19 No. 18A are triggered by issuance of this order
- 20 • A ten day jury trial will begin before Judge Rothstein or another
21 Judge in the Western District of Washington at 9:30 a.m. on **14 February 2005**
- 22 • All discovery, including expert discovery, shall be completed **1 November 2004**
23 and counsel shall file any discovery motions sufficiently in
24 advance of this date to permit the court to rule prior to the
close of discovery
- 25 • All dispositive motions must be filed by **11 November 2004**
26 and noted on the motion calendar no later than the fourth
Friday thereafter (see CR 7(d))

ORDER

1 • An agreed pretrial order must be lodged and all motions **17 January 2005**
2 *in limine* filed by
3 (Motions *in limine* are to be noted for the second Friday
after filing.)

4 • Trial briefs, proposed *voir dire*, proposed jury instruction
5 shall be filed on **31 January 2005**

6 • A pretrial conference will be scheduled as the trial date approaches.

7 The dates set forth in this order may be changed only by order of the Court, not by agreement
8 of counsel or the parties. The Court will alter these dates only upon good cause shown: failure to
9 complete discovery within the time allowed is not recognized as good cause. If the trial date
10 assigned to this matter creates an irreconcilable conflict, counsel must notify the Deputy Clerk
11 and opposing counsel in writing within 10 days of the date of this Order, setting forth the exact
12 nature of the conflict. Failure to do so will be deemed a waiver. Counsel must be prepared to
13 begin trial on the date scheduled; however, it should be understood that the trial may have to
14 await the completion of other cases.

15 **COOPERATION**

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17 As required by CR 37(h), all discovery matters are to be resolved by agreement if possible.
18 Counsel are further directed to cooperate in preparing the final pretrial order in the format required
19 by CR 16.1, except as ordered below.

20 **EXHIBITS**

21 The original and one copy of the trial exhibits are to be provided to the Court's Deputy on
22 the morning of trial. Each exhibit shall be clearly tagged and marked. Exhibit tags are available in
23 the Clerk's Office. The Court hereby alters the CR 16.1 procedure for numbering exhibits:
24 plaintiff's exhibits shall be numbered consecutively beginning with 1; defendant's exhibits shall
25 be numbered consecutively beginning with the next number not used by plaintiff. Counsel shall
26

ORDER

1 refrain from submitting duplicate exhibits: once a party has identified an exhibit in the pretrial
2 order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder with
3 appropriately numbered tabs.

4
5 **SETTLEMENT**

6 Should this case settle, counsel shall notify the Deputy Clerk immediately. An attorney
7 who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as
8 the Court deems appropriate, pursuant to GR 3(b).

9 IT IS SO ORDERED this 6TH day of April 2004.

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11 s/ Barbara Jacobs Rothstein

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BARBARA JACOBS ROTHSTEIN
13 U.S. DISTRICT JUDGE
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ORDER